

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHN L. BULLOCK,

Plaintiff,

VS.

WORLD SAVINGS BANK, FSB,
et al.,

Defendants.

No. 10-2482-SHM-cgc

ORDER GRANTING THE MOTION TO DISMISS
FILED BY THE CITY OF MEMPHIS
AND
ORDER OF PARTIAL DISMISSAL

On May 19, 2010, Plaintiff John L. Bullock, a resident of Memphis, Tennessee, filed a pro se Petition for Action to Quiet Title in the Chancery Court for the Thirtieth Judicial District at Memphis against World Savings Bank, FSB; Wachovia Mortgage; Mary C. Reeder, a Senior Vice President at Wachovia Mortgage; the City of Memphis; Pamela Pope Johnson; and Melissa Palo. (Docket Entry ("D.E.") 1-1.) On June 24, 2010, Defendants World Savings Bank, FSB, Wachovia Mortgage, and Reeder removed the case to federal court pursuant to 28 U.S.C. § 1441. (D.E. 1.)

On July 1, 2010, Defendant City of Memphis filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6). (D.E. 5.) That motion stated, in pertinent part, that, "[i]n the case at bar, the only allegation against the City is that the city

has claimed an interest in the real estate at 3336 Durford Wood Cove, in Memphis, Tennessee. . . . No further facts are alleged and therefore no factual foundation for the claim against the City has been alleged. In fact, the City has neither sought, nor is seeking any interest in the above property. Additionally, the City is not a party to any foreclosure proceedings between the Plaintiff and Co-Defendants." (D.E. 5-1 at 3.)

Because Plaintiff did not respond to the motion to dismiss, the Court issued an order on August 20, 2010, directing him to show cause, within thirty (30) days, why the City's motion to dismiss should not be granted. (D.E. 13.) The order notified Plaintiff that a "[f]ailure timely to comply with this order will result in the dismissal of the Plaintiff's complaint against the City of Memphis, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute." (Id. at 3.)

Plaintiff has not responded to the show cause order, and the time set for response has expired. Therefore, the Court DISMISSES the complaint against the City of Memphis for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 29th day of October, 2010.

s/Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE